

### REMARKS

This paper is responsive to a non-final Office action dated July 21, 2004. Claims 1-25 were examined. Non-narrowing amendments have been made to claims 7, 20, 22, 23, and 25. Claim 7 has been amended to remove an extraneous period. Claim 20 has been amended to properly reflect dependency on claim 19 for an apparatus and not a method. Claim 23 has been amended to properly reflect dependency on claim 21 instead of claim 2. Claims 22 and 25 have been amended to refer to a fifth set of instructions instead of a sixth set of instructions. None of the non-narrowing amendments have been made to overcome any art of record, or for any other reason substantially related to patentability.

#### Rejections under 35 U.S.C. §112

The Office has rejected claims 20 and 23 under 35 U.S.C. §112 as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention.

Applicant has amended claim 20 to change method to apparatus. Applicant has also amended claim 23 to depend from claim 21 instead of claim 2.

#### Rejections under 35 U.S.C. §102(b)

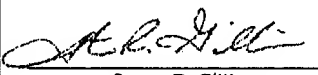
The Office has rejected claims 1 – 25 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,778,212 to Dehnert et al. Applicant respectfully traverses all of these rejections.

Dehnert does not disclose or suggest “optimizing the program files into object files, wherein the object files are comprised of information indicating optimization,” as recited in claims 1, 6, 11, 16, and 21. To reject claims 1, 6, 11, 16, and 21, the Office quotes from col. 8, lines 33 – 37 of Dehnert to assert that “[t]he intermediate ‘.o’ files ...are written in an extended object file format and contain...the summary information within a program unit that might later be used.” *As can be seen in the quoted section and throughout Dehnert, the files with the “.o” extension, are intermediate files, and are not object files. The object files disclosed by Dehnert are not comprised of information indicating optimization.* Dehnert requires a compiler tool to

recognize "two types of ".o" files: intermediate ".o" files 404a – 404n and object ".o" files (col. 9, lines 8 – 10). Dehnert analyzes and optimizes the intermediate type ".o" files to generate another intermediate representation with a ".I" extension (col. 9, lines 38 – 45). The object files are forwarded to a linker (col. 9, lines 30 – 33). The intermediate files of Dehnert include summary information that allows optimization of the intermediate files, hence the different processing avenues for ".o" intermediate files and ".o" object files. Although the intermediate files of Dehnert have the ".o" extension, these files are not object files. The object files of Dehnert do not include information indicating optimization.

None of the claims are anticipated by any of the art of record, especially Dehnert. Applicant respectfully submits that the independent claims are allowable, and that the dependent claims are also allowable at least because they depend from corresponding ones of the allowable independent claims.

In summary, claims 1-25 are in the case. All claims are believed to be allowable over the art of record, and a Notice of Allowance to that effect is respectfully solicited. Nonetheless, if any issues remain that could be more efficiently handled by telephone, the Examiner is requested to call the undersigned at the number listed below.

<b>CERTIFICATE OF MAILING OR TRANSMISSION</b>	
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<input checked="" type="checkbox"/> facsimile transmitted to the US Patent and Trademark Office.	
 Steven R. Gilliam	<i>Oct-19-2004</i> Date

Respectfully submitted,



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